

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re: Eric D. Hughes
Laura Johnson-Hughes

Case No. 22-44659-mlo
Chapter 13
Hon. Maria L. Oxholm

Debtors.

OBJECTION TO CHAPTER 13 PROOF OF CLAIM NO. 7
OF U.S. BANK TRUST NATIONAL ASSOCIATION,
AS TRUSTEE OF THE BUNGALOW SERIES IV TRUST

Eric D. Hughes and Laura Johnson-Hughes, Debtors herein, by and through their attorneys, Berman & Bishop, PLLC, by Jack Berman respectfully objects to the Proof of Claim No. 7 of U.S. Bank Trust National Association, as Trustee of the Bungalow Series IV Trust filed on July 26, 2022 and states as follows:

1. That this case was filed on June 10, 2022.
2. That said mortgage creditor filed its proof of claim for the debtors residence located at 45594 Bristol Circle, Novi, Michigan 48377.
3. That said creditor claims the following:
 - a. Total balance: \$61,652.92
 - b. Arrearage: \$14,511.93
 - c. Current payment: \$1,040.97 of which \$831.87 is an escrow account for payment of property tax and insurance (page 4 of Proof of Claim 7).
4. That the first mortgage creditor, CitiMortgage filed proof of Claim 8 on July 27, 2022 demanding the same escrow payment on page 4 of its Proof of Claim.
5. That the undersigned has communicated with each of these creditors requesting a resolution of the demand for multiple escrow accounts to pay the same insurance and property tax and has not received a reply.
6. That it is impossible that there can be two separate escrow accounts to pay the same property tax and insurance as the said mortgage companies are, and have for several years in the past, created an excessive and untrue arrearage based upon these miscalculated escrow accounts.
7. That debtors are incurring attorney fees through the fault of the mortgage creditor.

WHEREFORE, Debtors request that the arrearage on this account be reduced to \$2,120.00, the balance owed on the mortgage be reduced to \$26,500.00 and that the current mortgage payment be reduced to \$209.10 with Debtors to pay property tax and insurance on their own to properly pay the mortgage and that attorney fees in the mount of \$1,200.00 be awarded to the undersigned.

Dated: December 7, 2022

/s/ Jack Berman

Jack Berman (P10737)

Attorney for Debtors

24405 Gratiot Ave.

Eastpointe, MI 48021

(586) 775-0600

bermanbishop@gmail.com

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ORDER GRANTING OBJECTION TO PROOF OF CLAIM NO. 7
OF U.S. BANK TRUST NATIONAL ASSOCIATION,
AS TRUSTEE OF THE BUNGALOW SERIES IV TRUST

Upon the reading and filing of Debtor's Objection to Proof of Claim No. 7 of U.S. Bank Trust National Association, as Trustee of the Bungalow Series IV Trust which was presented to this Court pursuant to Bankruptcy Rule 3007, and no responses having been filed to the said Objections and a Certificate of No Response having been filed with this Court;

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

The objection to the Proof of Claim filed by the above-referenced creditor is hereby granted. To the extent that the Chapter 13 Standing Trustee has previously made disbursements to such creditor, the Trustee shall not be obligated to recoup same.

IT IS FURTHER ORDERED as follows:

1. That the delinquency portion of the Chapter 13 Proof of Claim No. 7 is reduced to \$2,120.00;
2. The current monthly mortgage payment is reduced to \$209.10 per month;
3. The total claim amount is reduced to \$26,500.00;
4. Attorney fees in the amount of \$1,200.00 shall be paid by this mortgage creditor to Jack Berman forthwith.
5. It shall not be the responsibility of the Chapter 13 Trustee to recoup funds previously paid to said Creditor, if any.

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Debtors.

NOTICE OF OBJECTION TO CLAIM NO. 7
OF U.S. BANK TRUST NATIONAL ASSOCIATION,
AS TRUSTEE OF THE BUNGALOW SERIES IV TRUST

Eric D. Hughes and Laura Johnson-Hughes, Debtors herein, have filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to deny or change your claim, then on or before **January 23, 2023**, you or your lawyer must:

1. File with the court a written response to the Objections, explaining your position at:
United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

JACK BERMAN (P10737)
Attorney for Debtors
24405 Gratiot Ave.
Eastpointe, MI 48021
(586) 775-0600

TAMMY L. TERRY (P46254)
Standing Chapter 13 Trustee
535 Griswold, Suite 2100
Detroit, MI 48226
(313) 967-9857

2. Attend the hearing on the Objection, scheduled to be held on **January 30, 2023 at 9:00 a.m.** in **Courtroom 1875, 211 West Fort Street, Detroit, Michigan**, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. **If you or your attorney do not take these steps, the court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.**

Dated: December 7, 2022

/s/ Jack Berman
JACK BERMAN (P10737)
Attorney for Debtors
24405 Gratiot Ave.
Eastpointe, MI 48021
(586) 775-0600
bermanbishop@gmail.com

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_____ /

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn, deposes and says that on December 7, 2022, she served electronically and/or by United States Mail, postage prepaid, a copy of the following:

DOCUMENT(S): Objection to Proof of Claim No. 7 of U.S. Bank Trust National Association, as Trustee of the Bungalow Series IV Trust

ADDRESSEE(S): TAMMY L. TERRY
Standing Chapter 13 Trustee
535 Griswold, Suite 2100
Detroit, MI 48226
(313) 967-9857

U.S. Bank Trust National Association,
as Trustee of the Bungalow Series IV Trust
c/o SN Servicing Corporation
323 Fifth Street
Eureka, CA 95501

Sottile and Barile, Attorneys at Law
394 Wards Corner Road, Suite 180
Loveland, OH 45140

I DECLARE THE ABOVE STATEMENTS ARE TRUE AND ACCURATE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Dated: December 7, 2022

/s/ K. Rae Dahn _____
Senior Paralegal
Berman & Bishop, PLLC
24405 Gratiot Ave.
Eastpointe, MI 48021
(586) 775-0600
bermanbishop@gmail.com